

MINUTES

MONTANA SENATE 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on January 13, 2017 at 10:00 A.M., in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Keith Regier, Chair (R)
Sen. Jennifer Fielder, Vice Chair (R)
Sen. Jen Gross (D)
Sen. Steve Hinebauch (R)
Sen. Jedediah Hinkle (R)
Sen. Margaret (Margie) MacDonald (D)
Sen. Mary Moe (D)
Sen. Scott Sales (R)
Sen. Diane Sands (D)
Sen. Nels Swandal (R)
Sen. Chas Vincent (R)

Members Excused: None

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 92, 1/9/2017
Executive Action: SB 22-Do Pass As Amended, SB 26-Do Pass As Amended
SB 29-Do Pass As Amended, SB 9-Tabled

Committee Business:

00:00:34 Chairman Regier
00:01:21 Julianne Burkhardt, Legislative Services Division (LSD)
EXHIBIT(jus10a01)
00:01:50 Chairman Regier
00:02:03 Sen. MacDonald

HEARING ON SB 92**Opening Statement by Sponsor:**

00:03:38 Sen. Albert Olszewski (R), SD 6, opened the hearing on SB 92, Allow for proxy decision-making in medical care.

Proponents' Testimony:

00:04:03 Mike Foster, Sisters of Charity Leavenworth Health Systems, Inc. (SCLHS)
00:10:25 Ellen Clifton, registered nurse, St. Vincent's Healthcare, member, St. Vincent's Healthcare Medical Ethics Committee, Billings
00:15:19 Matt Brower, executive director, Montana Catholic Conference
00:16:57 Jean Branscum, chief executive officer, Montana Medical Association
00:18:52 Casey Blumenthal, Montana Hospital Association
00:19:59 Aimee Grmoljez, Billings Clinic

Opponents' Testimony:

00:21:03 Beth Brenneman, Disability Rights Montana (DRM)
00:24:00 Al Smith, Montana Trial Lawyers Association (MTLA)

Informational Testimony:

None

Questions from Committee Members and Responses:

00:28:40 Sen. Sands
00:29:43 Sen. Olszewski
00:32:50 Ms. Clifton, RN
00:34:17 Sen. Vincent
00:34:42 Mr. Foster, SCLHS
00:35:09 Sen. Vincent
00:36:27 Sen. Olszewski
00:40:34 Chairman Regier
00:40:41 Sen. Olszewski
00:41:34 Chairman Regier
00:41:41 Mr. Foster
00:42:01 Ms. Clifton

00:43:49 Sen. Moe
00:44:35 Ms. Clifton
00:46:31 Sen. Moe
00:47:01 Ms. Brenneman, DRM
00:48:32 Sen. Moe
00:48:49 Mr. Smith, MTLA
00:50:47 Sen. Fielder
00:51:19 Mr. Smith
00:54:17 Sen. Fielder
00:54:59 Sen. Olszewski
00:57:43 Sen. Gross
00:58:12 Ms. Brenneman
00:58:39 Chairman Regier
00:59:08 Mr. Foster
01:00:21 Sen. Vincent
01:00:33 Mr. Foster

Closing by Sponsor:

01:01:40 Sen. Olszewski

EXECUTIVE ACTION ON SB 22

01:08:17 **Motion:** Sen. Fielder moved that **SB 22 DO PASS.**

01:09:05 **Motion:** Sen. K. Regier moved that **SB 22 BE AMENDED.**
[EXHIBIT\(jus10a02\)](#)

Discussion:

01:10:20 Sen. Sands
01:10:31 Chairman Regier
01:11:12 Sen. Swandal
01:11:54 Sen. Sands
01:12:11 Sen. Swandal
01:13:13 Sen. Sands
01:13:31 Chairman Regier

01:14:16 **Vote:** Motion carried unanimously by roll call vote.

01:14:21 **Motion:** Sen. Fielder moved that **SB 22 DO PASS AS AMENDED.**

01:14:30 **Motion:** Sen. Moe moved that **SB 22 BE AMENDED.**
[EXHIBIT\(jus10a03\)](#)

Discussion:

01:15:46 Sen. Vincent
01:16:40 Sen. Swandal

01:17:29 **Vote:** Motion carried unanimously by roll call vote.

01:18:00 **Motion/Vote:** Sen. Fielder moved that **SB 22 DO PASS AS AMENDED**. Motion carried unanimously by roll call vote.

EXECUTIVE ACTION ON SB 26

01:21:29 **Motion:** Sen. Fielder moved that **SB 26 DO PASS**.

01:21:44 **Motion:** Sen. K. Regier moved that **SB 26 BE AMENDED**.
[EXHIBIT\(jus10a04\)](#)

Discussion:

01:22:14 Ms. Burkhardt, Legislative Services Division (LSD)

01:22:41 **Vote:** Motion carried unanimously by voice vote.

01:22:53 **Motion:** Sen. Fielder moved that **SB 26 DO PASS AS AMENDED**.

01:23:03 **Motion:** Sen. Fielder moved that **SB 26 BE AMENDED**.
[EXHIBIT\(jus10a05\)](#)

Discussion:

01:23:52 Sen. Sands
01:24:03 Sen. Swandal
01:25:25 Ms. Burkhardt, LSD
01:25:38 Sen. Moe
01:25:51 Sen. Hinkle

01:26:16 **Vote:** Motion carried unanimously by voice vote.

01:26:31 Sen. Fielder

01:26:39 **Motion:** Sen. Hinkle moved that **SB 26 BE AMENDED**.
[EXHIBIT\(jus10a06\)](#)

Discussion:

01:29:11 Sen. MacDonald
01:31:16 Sen. Sands
01:32:00 Sen. Swandal
01:34:37 Sen. Moe
01:35:17 Sen. Hinkle
01:35:48 Sen. Moe
01:37:13 Sen. Swandal
01:37:22 Chairman Regier

01:37:39 **Vote:** Motion failed 4-7 by roll call vote with Sen. Fielder, Sen. Hinebauch, Sen. Hinkle and Sen. K. Regier voting aye.

01:38:27 **Motion/Vote:** Sen. Fielder moved that **SB 26 DO PASS AS AMENDED**. Motion carried 8-3 by roll call vote with Sen. Hinebauch, Sen. Hinkle and Sen. K. Regier voting no.

EXECUTIVE ACTION ON SB 29

01:41:10 **Motion:** Sen. Sands moved that **SB 29 DO PASS**.

01:41:59 **Motion/Vote:** Sen. Sands moved that **SB 29 BE AMENDED**. Motion carried unanimously by voice vote.

[EXHIBIT\(jus10a07\)](#)

01:43:09 **Motion:** Sen. Sands moved that **SB 29 DO PASS AS AMENDED**.

01:43:20 **Motion:** Sen. Fielder moved that **SB 29 BE AMENDED**.

[EXHIBIT\(jus10a08\)](#)

Discussion:

01:44:01 Ms. Burkhardt
01:45:07 Sen. Fielder
01:46:24 Sen. Sands
01:46:48 Sen. MacDonald
01:47:05 Sen. Moe

01:48:01 **Vote:** Motion carried unanimously by voice vote.

01:48:13 **Motion/Vote:** Sen. Sands moved that **SB 29 DO PASS AS AMENDED**. Motion carried unanimously by roll vote.

EXECUTIVE ACTION ON SB 90

01:49:03 **Motion:** Sen. Swandal moved that **SB 90 DO PASS**.

Discussion:

01:50:03 Sen. Sales
01:50:21 Without objection, Sen. Swandal withdrew the DO PASS motion.

EXECUTIVE ACTION ON SB 9

01:50:32 Sen. Sales

01:51:04 **Motion:** Sen. Sands moved that **SB 9 DO PASS**.

Discussion:

01:51:37 Sen. Moe
01:52:22 Sen. Fielder
01:54:01 Sen. MacDonald
01:55:31 Sen. Sands
01:56:18 Sen. Gross
01:57:00 Chairman Regier

01:58:17 **Vote:** Motion failed 4-7 by roll call vote with Sen. Gross, Sen. MacDonald, Sen. Moe and Sen. Sands voting aye.

01:58:29 **Motion/Vote:** Sen. Sands moved that **SB 9 BE TABLED AND THE VOTE REVERSED.** Motion carried without objection.

01:58:44 Chairman Regier
01:59:31 Sen. Sands

ADJOURNMENT

Adjournment: 12:06 P.M.

Pam Schindler, Secretary

ps

Additional Documents:

EXHIBIT([jus10aad.pdf](#))